

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LAURENCE N. BURTON, et al.,)	NO. 3:15-CV-05769-RBL
)	
Plaintiffs,)	MOTION FOR DEFAULT
)	JUDGMENT
v.)	
)	
SHELLPOINT MORTGAGE SERVICING,)	
BANK OF AMERICA, N.A., et al.,)	
)	
Defendants.)	

COME NOW the above-named Plaintiffs, by and through their attorney, Jill J. Smith and Natural Resource Law Group, PLLC, and hereby move the Court for an Order granting judgment for Plaintiffs against Shellpoint Mortgage Servicing for the relief demanded in the complaint filed herein.

STATEMENT OF FACTS

Defendant Shellpoint Mortgage Servicing failed to answer despite being served with a summons and complaint in this matter. The procedural facts supporting this motion are brief.

1. Plaintiffs filed their Complaint for Damages in U.S. District Court, Western District of Washington on October 27, 2015.

2. A Summons and Complaint in this matter were served upon Defendant SHELLPOINT MORTGAGE SERVICING on November 2, 2015. Attached hereto as **Exhibit A** is a true and correct copy of the Affidavit of Service.

3. Defendant SHELLPOINT MORTGAGE SERVICING has not entered an appearance in the case. Defendant Shellpoint failed to file or serve an Answer or any responsive pleading in this case as of today's date, January 27, 2016.

In light of the above, a Motion for Default Judgment should be granted in accordance with FRCP 55(a).

LEGAL AUTHORITIES

This motion is based upon the records and files herein. According to FRCP 55(a): "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."

In this case, Defendant Shellpoint Mortgage Servicing was served with a Summons and Complaint in this case on November 2, 2015. In light of this service date, a responsive pleading was due from Shellpoint on or about November 23, 2015. As of this date, Defendant Shellpoint Mortgage Servicing failed to serve or file any answer or responsive pleading in relation to this matter so a Motion for Default Judgment should be granted.

DATED this 27th day of January 2016.

NATURAL RESOURCE LAW GROUP, PLLC

/s/ Jill J. Smith

Jill J. Smith, WSBA #41162

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MOTION FOR DEFAULT JUDGMENT - 3

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